

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                    )  
  )  
          v.                                    )     CASE NO. 2:08cr58-MHT  
  )  
TAWAINE MCCULLOUGH                    )

**MOTION TO STRIKE FORFEITURE ALLEGATION**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and Tommie Brown Hardwick, Assistant United States Attorney, and hereby moves this Court to strike the forfeiture allegation from the indictment returned March 14, 2008. The firearm was reported as stolen and is not forfeitable. The Montgomery Police Department will retain custody of the firearm until it is returned to its lawful owner.

A proposed Order is filed herewith.

Respectfully submitted this 3<sup>rd</sup> day of July, 2008.

LEURA G. CANARY  
UNITED STATES ATTORNEY

**/s/Tommie Brown Hardwick**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

**/s/Tommie Brown Hardwick**

TOMMIE BROWN HARDWICK

Assistant United States Attorney

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O R D E R

Upon consideration of the Motion to Strike Forfeiture Allegation heretofore filed in the above-styled cause, and for good cause shown, the Court is of the opinion that the Motion should be and the same is hereby GRANTED. It is, therefore, **ORDERED, ADJUDGED and DECREED** by the Court that the forfeiture allegation is hereby stricken.

DONE this \_\_\_\_ day of \_\_\_\_\_, 2008.

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UNITED STATES DISTRICT JUDGE